

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRIARWOOD INVESTMENTS, INC., Individually and On Behalf of All Others Similarly Situated.	X	Civil Action No. 1:07-cv-08159-LLS	
	:		
	:	STIPULATION AND PROPOSED ORDER	LLS
Plaintiff.	:		1/18
	:		
vs.	:		
	:		
CARE INVESTMENT TRUST INC.,	:		
	:		
Defendant.	:		
	X		

IT IS HEREBY STIPULATED AND AGREED, by and among the undersigned counsel for Plaintiff Briarwood Investments, Inc. and Lead Plaintiff Movant Alaska Hotel & Restaurant Employees Pension Trust Fund, counsel for Defendant Care Investment Trust Inc. and counsel for Lead Plaintiff Movant Massachusetts Public Pension Funds that:

1. McDermott Will & Emery is authorized to accept service on behalf of Defendant and does hereby accept service of the summons and complaint in this action without prejudice and without waiver of Defendant's defenses except as to sufficiency of service of process.

2. Because the Private Securities Litigation Reform Act, 15 U.S.C. §78u-4 et seq., governs this action, and it is anticipated that this and any related actions will be consolidated and a consolidated complaint will be filed after the Court appoints Lead Plaintiff, Defendant is not required to respond to the complaint at this time.

3. Not later than sixty (60) days after entry of an Order appointing Lead Plaintiff and Lead Counsel, Lead Plaintiff shall file a consolidated amended class action complaint ("Amended Complaint"), which shall be deemed the operative complaint.

4. Defendant shall answer or otherwise respond to the Amended Complaint within sixty (60) days after service of the Amended Complaint.

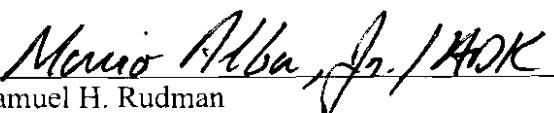
5. Should Defendant file a motion to dismiss the Amended Complaint ("Motion to Dismiss"), Lead Plaintiff shall file its opposition to any Motion to Dismiss within sixty (60) days after service of the Motion to Dismiss.

6. Defendant shall file its reply to Lead Plaintiff's opposition to the Motion to Dismiss within forty-five (45) days after service of the opposition to the Motion to Dismiss.


7. The Private Securities Litigation Reform Act provides that, "all discovery and other proceedings shall be stayed during the pendency of any motion to dismiss, unless the court finds, upon the motion of any party, that particularized discovery is necessary to preserve evidence or to prevent undue prejudice to that party," 15 U.S.C. § 78u-4(b)(3)(B). Accordingly, the Rule 16 statement and conference are adjourned until after the Court rules on the anticipated motion to dismiss.

DATED: December 6, 2007

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IT IS SO ORDERED.

DATED: January 18

Louis L. Stanton
THE HONORABLE LOUIS L. STANTON
UNITED STATES DISTRICT JUDGE

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